

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	4:05CR3013
	)	
Plaintiff,	)	
	)	<b>MEMORANDUM</b>
vs.	)	<b>AND ORDER</b>
	)	
JOHN RAY WILSON,	)	
	)	
Defendant.	)	

At the request of the United States Marshal Service, I inquired of counsel and the Probation Office regarding the status of Mr. Wilson's case. The United States Marshal Service was concerned about the defendant's medical condition. At a telephone conference held on October 3, 2005, I learned that Mr. Wilson has entered into a Rule 11(c)(1)(C) agreement calling for a sentence of 60 months in prison. I also learned that Mr. Wilson has also agreed not to seek a downward departure or deviation because of his serious medical condition. Therefore, it appears that Mr. Wilson is likely to serve at least 60 months in prison. I also learned that Mr. Wilson suffers from a serious heart ailment. The United States Marshal Service has advised me and counsel agree that it would be preferable if Mr. Wilson would be held at a United States Medical Center for Federal Prisoners between now and the time of sentencing. Defense counsel advised me that Mr. Wilson was agreeable to waiving his right to be physically present at the time of sentencing with the understanding that he would be allowed to participate by telephone. With the foregoing in mind,

IT IS ORDERED that:

(1) Defense counsel shall file a written waiver executed by Mr. Wilson waiving his right to be physically present at the sentencing proceeding while maintaining his right to be heard by telephone.

(2) Upon the filing of the waiver, the United States Marshal Service is directed to place Mr. Wilson at an appropriate medical center for federal prisoners and the Bureau of Prisons is requested to assist the United States Marshal Service in that regard.

(3) The United States Marshal Service, the Probation Office, and counsel for the defendant shall provide the federal medical center with the defendant's medical records.

(4) The Clerk of Court shall provide a certified copy of this memorandum and order to the United States Marshal Service.

October 3, 2005.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge